

IN THE MATTER OF
PERMANENT CERTIFICATE
NUMBER 157406
ISSUED TO
TAMMY RENEE WATKINS-HERRING

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BEFORE THE ELIGIBILITY
AND DISCIPLINARY
COMMITTEE
OF THE TEXAS
BOARD OF NURSING



I do hereby certify this to be a complete, accurate, and true copy of the document which is on file or is of record in the offices of the Texas Board of Nursing.
Patricia A. Williams
Executive Director of the Board

ORDER OF THE BOARD

TO: Tammy Renee Watkins-Herring
13425 173rd Street East
Puyallup, Washington 98374

During open meeting held in Austin, Texas, on February 14, 2012, the Eligibility and Disciplinary Committee (hereinafter "Committee") heard the above-styled case, based on the failure of the Respondent to appear as required by 22 TEX. ADMIN. CODE Ch. 213.

The Committee of the Texas Board of Nursing finds that notice of the facts or conduct alleged to warrant disciplinary action has been provided to Respondent in accordance with Texas Government Code § 2001.054(c) and Respondent has been given an opportunity to show compliance with all the requirements of the Nursing Practice Act, Chapter 301 of the Texas Occupations Code, for retention of Respondent's license to practice vocational nursing in the State of Texas.

The Committee finds that the Formal Charges were properly initiated and filed in accordance with section 301.458, Texas Occupations Code.

The Committee finds that after proper and timely Notice regarding the violations alleged in the Formal Charges was given to Respondent in this matter, Respondent has failed to appear in accordance with 22 TEX. ADMIN. CODE Ch. 213.

The Committee finds that the Board is authorized to enter a default order pursuant to Texas Government Code § 2001.056.

The Eligibility and Disciplinary Committee, after review and due consideration, adopts the

proposed findings of fact and conclusions of law as stated in the Formal Charges which are attached hereto and incorporated by reference for all purposes and the Staff's recommended sanction of revocation by default. This Order will be properly served on all parties and all parties will be given an opportunity to file a motion for rehearing [22 TEX. ADMIN.CODE § 213.16(j)]. All parties have a right to judicial review of this Order.

All proposed findings of fact and conclusions of law filed by any party not specifically adopted herein are hereby denied.

NOW, THEREFORE, IT IS ORDERED that Permanent Certificate Number 157406, previously issued to TAMMY RENEE WATKINS-HERRING, to practice vocational nursing in the State of Texas be, and the same is hereby, REVOKED.

IT IS FURTHER ORDERED that this Order SHALL be applicable to Respondent's nurse licensure compact privileges, if any, to practice vocational nursing in the State of Texas.

Entered this 14th day of February, 2012.

TEXAS BOARD OF NURSING

BY:



KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

Attachment: Formal Charge filed October 25, 2011.

CERTIFICATE OF SERVICE

I hereby certify that on the 21st day of February, 2012, a true and correct copy of the foregoing DEFAULT ORDER was served by placement in the U.S. Mail via certified mail, and addressed to the following person(s):

Tammy Renee Watkins-Herring
13425 173rd Street East
Puyallup, Washington 98374



BY:

KATHERINE A. THOMAS, MN, RN, FAAN
EXECUTIVE DIRECTOR ON BEHALF OF SAID BOARD

In the Matter of Permanent License § . BEFORE THE TEXAS
Number 157406, Issued to §
TAMMY RENEE WATKINS-HERRING, §
RESPONDENT § BOARD OF NURSING

FORMAL CHARGES

This is a disciplinary proceeding under Section 301.452(b), Texas Occupations Code. Respondent, TAMMY RENEE WATKINS-HERRING, is a Vocational Nurse holding license number 157406, which is in delinquent status at the time of this pleading.

Written notice of the facts and conduct alleged to warrant adverse licensure action was sent to Respondent at Respondent's address of record and Respondent was given opportunity to show compliance with all requirements of the law for retention of the license prior to commencement of this proceeding.

CHARGE I.

On or about April 13, 2010, Respondent received a Final Order of Default from the State of Washington, Department Of Health, Nursing Care Quality Assurance Commission wherein Respondent's license to practice practical nursing in the State of Washington was suspended for a period of not less than four (4) years due to three (3) felony convictions of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation from the Superior Court of the State of Washington, Department Of Health, Nursing Care Quality Assurance Commission, Pierce County, Washington. A copy of the Final Order of Default issued by the State of Washington, Department Of Health dated April 13, 2010 is attached and incorporated by reference as a part of this charge.

The above action constitutes grounds for disciplinary action in accordance with Section 301.452(b)(8), Texas Occupations Code.

NOTICE IS GIVEN that staff will present evidence in support of the recommended disposition of up to, and including, revocation of Respondent's license/s to practice nursing in the State of Texas pursuant to the Nursing Practice Act, Chapter 301, Texas Occupations Code and the Board's rules, 22 Tex. Admin. Code §§ 213.27 - 213.33. Additionally, staff will seek to impose on Respondent the administrative costs of the proceeding pursuant to Section 301.461, Texas Occupations Code. The cost of proceedings shall include, but is not limited to, the cost paid by the Board to the State Office of Administrative Hearings and the Office of the Attorney General or other Board counsel for legal and investigative services, the cost of a court reporter and witnesses, reproduction of records, Board staff time, travel, and expenses. These shall be in an amount of at least one thousand two hundred dollars (\$1200.00).

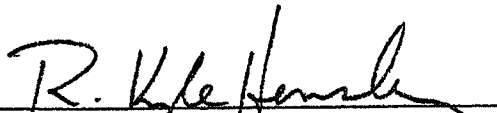
NOTICE IS GIVEN that all statutes and rules cited in these Charges are incorporated as part of this pleading and can be found at the Board's website, www.bon.texas.gov.

NOTICE IS GIVEN that, based on the Formal Charges, the Board will rely on the Disciplinary Matrix, which can be found at www.bon.texas.gov/disciplinaryaction/discp-matrix.html.

NOTICE IS ALSO GIVEN that Respondent's past disciplinary history, as set out below and described in the Order which is attached and incorporated by reference as part of these charges, will be offered in support of the disposition recommended by staff: Final Order of Default issued by the State of Washington, Department Of Health dated April 13, 2010.

Filed this 25th day of October, 2011.

TEXAS BOARD OF NURSING



James W. Johnston, General Counsel
Board Certified - Administrative Law
Texas Board of Legal Specialization
State Bar No. 10838300

Jena Abel, Assistant General Counsel
State Bar No. 24036103

Lance Robert Brenton, Assistant General Counsel
State Bar No. 24066924

Robert Kyle Hensley, Assistant General Counsel
State Bar No. 50511847

Nikki Hopkins, Assistant General Counsel
State Bar No. 24052269

John F. Legris, Assistant General Counsel
State Bar No. 00785533

TEXAS BOARD OF NURSING

333 Guadalupe, Tower III, Suite 460
Austin, Texas 78701
P: (512) 305-6824
F: (512) 305-8101 or (512)305-7401

Attachments: Final Order of Default issued by the State of Washington, Department Of Health dated April 13, 2010.

D/2011.09.23



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Tammy R. Watkins-Herring
Aka Tammy Renee Herring
Master Case No. M2009-653
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Privacy Officer, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION

FILED

MAR 01 2010

Adjudicative Clerk

In the Matter of

No. M2009-653

TAMMY R. WATKINS-HERRING
aka **TAMMY RENEE HERRING**
Credential No. LPN.LP.00058007

STATEMENT OF CHARGES

Respondent

The Health Services Consultant of the Nursing Assistant Quality Assurance Commission (Commission), on designation by the Commission, makes the allegations below, which are supported by the evidence contained in case nos. 2008-131144 and 2008-127618.

1. ALLEGED FACTS

1.1 On September 19, 2006, the state of Washington issued Respondent a credential to practice as a licensed practical nurse. Respondent's credential expired on October 13, 2009.

1.2 On or about December 8, 2008, Respondent was convicted of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation, a class C felony, in the Superior Court of the State of Washington, Pierce County, Case No. 07-1-05623-0.

1.3 On or about December 8, 2008, Respondent was convicted of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation, a class C felony, in the Superior Court of the State of Washington, Pierce County, Case No. 08-1-05384-1.

1.4 On or about December 8, 2008, Respondent was convicted of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation, a class C felony, in the Superior Court of the State of Washington, Pierce County, Case No. 08-1-05792-7.

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ORIGINAL

2. ALLEGED VIOLATIONS

2.1 Based on the Alleged Facts, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(17) which provides:

RCW 18.130.180 Unprofessional conduct. The following conduct, acts, or conditions constitute unprofessional conduct for any license holder under the jurisdiction of this chapter:

...
(17) Conviction of any gross misdemeanor or felony relating to the practice of the person's profession. For the purposes of this subsection, conviction includes all instances in which a plea of guilty or nolo contendere is the basis for conviction and all proceedings in which the sentence has been deferred or suspended. Nothing in this section abrogates rights guaranteed under chapter 9.96A RCW;

....
2.2 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

3. NOTICE TO RESPONDENT

The charges in this document affect the public health, safety and welfare. The Health Services Consultant of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline and the imposition of sanctions under Chapter 18.130 RCW.

DATED: February 26, 2010

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Mary Dale
MARY DALE
HEALTH SERVICES CONSULTANT

Cassandra Buyserie
CASSANDRA BUYSERIE, WSBA #40680
ASSISTANT ATTORNEY GENERAL



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Tammy R. Watkins-Herring aka Tammy Renee Herring
Master Case No. M2009-653
Docket No.:
Document: Default Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE COMMISSION**

In the Matter of

**TAMMY R. WATKINS-HERRING
aka TAMMY RENEE HERRING
Credential No. LPN.LP.00058007**

Respondent

No. M2009-653

**FINDINGS OF FACT,
CONCLUSIONS OF LAW AND
FINAL ORDER OF DEFAULT
(Failure to Respond)**

This matter is before the Presiding Officer, on designation by the Nursing Care Quality Assurance Commission (Commission), for final order of default. Based on the record, the Presiding Officer issues the following:

1. FINDINGS OF FACT

1.1 On September 19, 2006, the state of Washington issued Respondent a credential to practice as a licensed practical nurse. Respondent's credential expired on October 13, 2009.

1.2 On or about December 8, 2008, Respondent was convicted of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation, a class C felony, in the Superior Court of the State of Washington, Pierce County, Case No. 07-1-05623-0.

1.3 On or about December 8, 2008, Respondent was convicted of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation, a class C felony, in the Superior Court of the State of Washington, Pierce County, Case No. 08-1-05384-1.

1.4 On or about December 8, 2008, Respondent was convicted of Obtaining a Controlled Substance by Fraud, Deceit, or Misrepresentation, a class C felony, in the Superior Court of the State of Washington, Pierce County, Case No. 08-1-05792-7.

1.5 On February 26, 2010, the Commission served Respondent with a copy of the following documents at Respondent's last known address:

- A. Statement of Charges;
- B. Notice of Your Legal Rights;

C. Answer to Statement of Charges and Request for Settlement and Hearing (Answer).

1.6 The Answer was due in the Adjudicative Clerk Office by March 18, 2010. RCW 18.130.090.

1.7 The Adjudicative Clerk Office has not received the Answer. On March 31, 2010, the Adjudicative Clerk Office issued a Notice of Failure to Respond.

1.8 The Commission has no reason to believe Respondent is now on active military service.

2. CONCLUSIONS OF LAW

2.1 The Commission has jurisdiction over Respondent and over the subject matter of this case, RCW 18.130.040.

2.2 Respondent did not file a request for hearing within the time allowed. RCW 18.130.090(1). Respondent is in default, and the Commission may issue a final order based on the evidence presented. RCW 18.130.090(1) and RCW 34.05.440.

2.3 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(17).

2.4 The above violation provides grounds for imposing sanctions under RCW 18.130.160.

3. COMPLIANCE WITH SANCTION RULES

3.1 The disciplinary authority applies WAC 246-16-800, *et seq.*, to determine appropriate sanctions. WAC 246-16-800(2)(c) requires the disciplinary authority to impose terms based on a specific sanction schedule unless "the schedule does not adequately address the facts in a case."

3.2 Respondent's alleged conduct falls in Tier B of the "Criminal Convictions" schedule, WAC 246-16-860. The sanction range associated with that tier does not adequately address the alleged facts of this case. The disciplinary authority has identified factors that justify a sanction that falls in the higher range of the above identified tier.

3.3 The disciplinary authority considered the following aggravating factors:

- A. Number of acts.
- B. Abuse of trust.
- C. Motivation is criminal.
- D. Dishonest motives.
- E. Illegal conduct.

4. ORDER

The COMMISSION ORDERS:

4.1 Respondent's credential to practice as a licensed practical nurse in the state of Washington shall be and is hereby **SUSPENDED**.

4.2 Respondent may not submit a written petition for reinstatement of this credential for at least four (4) years from the effective date of this Order.

4.3 Prior to petitioning for reinstatement of her credential, Respondent must provide satisfactory evidence of being clean and sober for at least twenty-four (24) consecutive months immediately preceding any such petition. Evidence of being clean and sober shall include but is not limited to random observed biological fluid testing, completion of chemical dependency treatment, participation in professional peer support groups and NA/AA, and a recent (within ninety (90) days) chemical dependency evaluation by a Commission-approved evaluator. The evaluation shall include:

- A. Respondent's condition or diagnosis;
- B. Conclusions and prognosis;
- C. Recommendations regarding the need for ongoing care and treatment;
- D. Professional opinion regarding Respondent's ability to practice nursing with reasonable skill and safety.

4.4 Respondent shall assume all costs of complying with this Order.

4.5 Respondent shall inform the Commission and the Adjudicative Clerk Office, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

4.6 The effective date of this Order is that date the Adjudicative Clerk Office places the signed order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of this Order.

5. NOTICE TO PARTIES

This Order will be reported to the Health Integrity and Protection Databank (45 CFR Part 61), the National Practitioner Databank (45 CFR Part 60) and elsewhere as required by law. It is a public document and will be placed on the Department of Health's website and otherwise disseminated as required by the Public Records Act (Chap. 42.56 RCW) and the Uniform Disciplinary Act RCW 18.130.110.

Respondent may file a petition for reconsideration. RCW 34.05.470. The petition must be filed within ten (10) days of service of this Order with:

Adjudicative Clerk Office
Adjudicative Service Unit
PO Box 47879
Olympia, WA 98504-7879

and a copy must be sent to:

State of Washington
Department of Health
Legal Services Office
PO Box 47873
Olympia WA 98504-7873

The petition must state the specific grounds upon which reconsideration is requested and the relief requested. The petition for reconsideration is considered denied twenty (20) days after the petition is filed if the Adjudicative Clerk Office has not responded to the petition or served written notice of the date by which action will be taken on the petition.

A petition for judicial review must be filed and served within thirty (30) days after service of this Order. RCW 34.05.542. The procedures are identified in chapter 34.05 RCW, Part V, Judicial Review and Civil Enforcement. A petition for reconsideration is not required before seeking judicial review. If a petition for reconsideration is filed,

however, the thirty (30) day period will begin to run upon the resolution of that petition, RCW 34.05.470(3).

The Order remains in effect even if a petition for reconsideration or petition for review is filed. "Filing" means actual receipt of the document by the Adjudicative Clerk Office, RCW 34.05.010(6). This Order was "served" upon you on the day it was deposited in the United States mail, RCW 34.05.010(19).

DATED: April 13, 2010

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
NURSING CARE QUALITY ASSURANCE
COMMISSION

Frank Lockhart
PRESIDING OFFICER

PRESENTED BY:

Michael Ellsworth
MICHAEL ELLSWORTH, WSBA #39531
DEPARTMENT OF HEALTH STAFF ATTORNEY

April 9, 2010
DATE